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FISCAL IMPACT STATEMENT

LS 6076

BILL NUMBER: SB 24

NOTE PREPARED: Jan 9, 2009

BILL AMENDED: Jan 8, 2009

SUBJECT: DNA for Felony Arrestees.

FIRST AUTHOR: Sens. Zakas

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires all persons arrested for a felony after June 30, 2009, to submit a DNA sample. It makes conforming amendments.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Summary:* It is estimated that the Indiana State Police (ISP) will incur new expenses of between \$1.4 M and \$3.8 M each year to analyze and maintain DNA samples. (The lower end of this estimate will require a one-time investment of \$900,000, bringing the first year total to \$2.3M) The increase will result from DNA sampling of any person arrested for a felony offense, regardless of disposition of the crime or sentence imposed.

Background: Current law requires individuals convicted of a felony offense or conspiring to or attempting to commit a felony offense after June 30, 2005, to provide a DNA sample to the Department of Correction (DOC), the county sheriff, or the agency supervising the individual. This bill would also require any person arrested for a felony offense after June 30, 2008, to provide DNA samples.

Estimating the Added Samples: No statewide data exists concerning the number of arrests for felony offenses. Below, the estimated total arrests for felony offenses is provided based on the Uniform Crime Report (UCR), which is gathered by the Federal Bureau of Investigation, Indiana State Court Administrator court statistics, and 2006 DOC admissions data.

Estimated Felony Arrests in Indiana and Additional Samples							
	2003	2004	2005	2006	2007	Average	Minimum
Felony Arrests	208,042	215,441	229,883	170,293	215,449	207,822	170,293
Less: Guilty	64,493	66,787	71,264	52,791	66,789	64,425	52,791
Less: Prior Arrest	70,734	73,250	78,160	57,900	73,253	70,659	57,900
Est'd Add'l Samples	72,815	75,404	80,459	59,602	75,407	72,737	59,602

The felony arrests in the table are from the UCR total arrests. The UCR only reports arrests for certain offenses, and not all Indiana law enforcement agencies report for the UCR.

However, these data overstate the number of individuals who will have to submit a DNA sample for two reasons:

- An individual may be arrested more than one time in a year.
- Individuals may be arrested who already have a DNA sample in the state DNA database.

In order to correct the number of arrests for overstatement, stand-in statistics were developed:

- An estimated 31% of all cases in a court of record are disposed by a guilty plea, admission, or by default based on Case Dispositions for All Cases in Courts of Record from the State Court Administrator between 2003 and 2007. This analysis assumes that these offenders, having been found guilty, would have to provide a DNA sample under current law.

- Based on 2006 DOC admission data, 34% of the offenders classified as new commitments had a prior Indiana commitment to a DOC facility. In this analysis, the percentage is applied to arrests to account for those who would have been previously arrested.

Estimating the Added Costs: There are two components to DNA sampling: collection and analysis. The ISP currently contracts DNA collection for between \$17.75 and \$18.75. Most analysis is completed for \$28.99 per sample. However, if the vendor is over capacity, the cost increases to \$39. The ISP estimates it could do DNA collection and analysis in house with the purchase of additional equipment, a one-time cost of \$900,000. ISP in-house collection costs are estimated at \$5, and the cost of analysis is \$19 per sample.

The following table estimates the number of additional samples that will be collected for persons arrested and costs of collecting and analyzing the additional DNA samples. A cost range is estimated by applying a low and high number of samples that would be processed and multiplying by the a range of collection costs of between \$24 (\$5 + \$19) if all samples can be processed in house, and \$52.25 if all samples are outsourced for analysis (18.25 + \$34). A one-time cost of \$900,000 for new instruments is included in the low costs.

Cost Range for Processing New Samples for Persons Who Are Arrested in First Year							
Range	DNA Samples Analyzed		Collection and Analysis Costs		Start-up Costs for New Instruments		Cost (In Millions)
Low	59,602	X	\$24.00	+	\$900,000	=	\$2.3
High	72,737	X	\$52.25	+	\$0	=	\$3.8

Expungement: Besides the costs for collection and analysis, the cost to expunge the record of DNA could increase. Under current law, an individual may request expungement if the conviction on which the authority for inclusion is based has been reversed or the case dismissed.

DNA Samples: Currently, two DNA samples are sent to the State Police laboratory; one for analysis and one that is stored for future use if another crime is committed. The sample for analysis is sent to a vendor, but will eventually be analyzed in house when a new State Police laboratory is completed and fully staffed. Once the profile has been entered into the database, the sample is destroyed. The current procedure is to require the individual to provide a copy of the court order and then to check the court order with the court or the State Police for verification. It is estimated that there have been five records expunged.

Explanation of State Revenues:

Explanation of Local Expenditures: Local law enforcement agencies would have to collect more samples. Mouth swabs are used to collect samples for DNA analysis.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics Online, 2006; Ed Littlejohn, Elittlejohn@isp.IN.gov; Paul Misner, 317-921-5306.

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